

SENATE CHAMBER,
AUSTIN, Saturday, June 18, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Priest: Petition of W. B. Dewees, asking for relief. Read and referred to Committee on Judiciary.
By Senator Rawson: Petition of John F. Williams for relief. Read and referred to Committee on Judiciary.

BILLS AND RESOLUTIONS.

By Senator Baker: A bill to be entitled "An Act to incorporate the Lake City Railroad Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Gaines: "An Act requiring all claims in dispute, amounting to twenty dollars or less, hereafter to be settled by arbitration."

Read first time and referred to Committee on Judiciary.

The following communication was received from the Secretary of State:

To the Honorable President of the Senate and Senators of the State of Texas:

In obedience to your resolution, passed May 23, 1870, requiring me to open correspondence with county officers and other persons; to ascertain the number of murders in each county during the past two years, I have the honor to report as follows:

I immediately addressed circulars to all the district clerks throughout the State, asking for the information required, and also to other parties, including the commanding general of this district, who has placed at my disposal the monthly military reports of crimes committed in the State.

In response to my circulars I have received, up to date, answers from but twenty-nine counties out of the one hundred and twenty-six organized. The military record is also incomplete, really embracing but half the organized territory of the State, therefore my report upon this basis will hardly present but half the picture of crime,

lawlessness and bloodshed, which has become so common as to excite no extra alarm at home.

I will first draw your attention to a recapitulation of the military record, to-wit:

Prior to 1869, but within the time of two years, asked for in your resolution, the military record sums up:

Murders.....	114
Manslaughter.....	1
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Total killed.....	115
Assaults with intent to kill.....	26
From January, 1869, to January, 1870:	
Murders.....	512
Manslaughter.....	26
Homicides.....	39
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Total killed.....	577
Assaults with intent to kill.....	360
From January, 1870, to twentieth of March, 1870, when the record ceases:	
Murders.....	78
Manslaughters.....	3
Homicide.....	1
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Total killed.....	82
Assaults with intent to kill.....	40
Total of murders.....	704
Total of manslaughters.....	30
Total of homicides.....	40
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Total killed.....	774
Total assaults with intent to kill.....	426

The following remark accompanies this military record:

1512. Reports should have been received for 1869.

825. Reports only were received, or but little more than one-half the State reported from.

378. Reports should have been received for 1870.

135. Reports only were received, or less than one-half.

I have not been able to go into all the details of the crime herein set forth, the class which has suffered most is the colored people. A great number of the murders are assassinations, and several the work of mobs; nor have I attempted to sift out the political bearing of the great majority of the killings, but these records will bear me

out in the assertion, that that class of our citizens known as loyal men, have suffered most, and that a great deal of the killing has arisen from political causes.

I will now pass from the military record to the reports sent me from the twenty-nine counties by civil officers and other persons.

The county of Anderson is first on the list, and the official report dated June seventh, shows eight murders, or four in excess of the military record; of these, six were perpetrated on colored persons, one of whom was murdered by a lawless band; and one of the white men, Daniel Hicks, murdered because of his political sentiments, being a Republican.

Accompanying this report is a letter which more truly depicts the condition of that county, of which I quote the following:

"The report, as herewith sent, is an enumeration of only such as have come to my official knowledge. Besides the many lives that have been sacrificed within the period named, other crimes of almost equal atrocity have been perpetrated, in many instances, with perfect impunity, and the offenders defiantly walking at large—some of whom are of the "best and most respected citizens!" With regard to "whether the people would assist the civil authorities in the execution of the laws, if called upon," I have to say that there are many of the citizens here, who would *willingly* assist in apprehending an offender who might be a stranger to this community, but for the fact that they are afraid of the parties doing them an injury afterwards. This same class who would thus assist me, could not, under any circumstances, be induced to aid in the capture of any white person known to them, or who might be of this place or county, especially if related to them, for the same reason before stated.

AUSTIN COUNTY.

The official report from Austin county gives as killed six in excess of the military record, of which five were white and one colored.

The officer so reporting thinks the temper of the people in favor of suppressing crime, and that they would respond to the call of the sheriff to arrest offenders.

COLORADO COUNTY.

The civil reports return two murders of colored men not mentioned in the military record, and accompanying therewith in this statement is the following remark: "Three other freedmen are reported missing, and are believed to have been murdered."

BASTROP COUNTY.

The civil report gives three murders in excess of the military record; one of the instances two colored women and one child was killed and a man mortally wounded by a mob firing into a ball-room. Several mobs of unknown persons are spoken of, one of which rescued a prisoner from the sheriff of an adjoining county, and killed him. The statement accompanying this report sets forth that the temper of the people is such as not to justify the assertion that the civil officers are able to enforce the law against the ruffians and murderers in this county. Fifteen murders are reported.

BEXAR COUNTY.

The civil record gives two killed in excess of the military record; of these, one was the murder of a colored man by a colored man, a soldier by a soldier, the death of a circus man, who is supposed to have fallen from a hotel balcony, the killing of a colored man by his brother, and the murder of three persons by unknown parties. The temper of the people is good and the civil officers are prompt in the discharge of their duty, and are completely sustained by the community.

BURLESON COUNTY.

The civil account from this county is very vague as to particulars, but gives the temper of the people as bad, so far as the maintenance of law, if left to the sheriff and other civil officers.

BOWIE COUNTY.

The civil report from this county is vague as to numbers. As to the temper of the people it is declared to be insurrectionary, and beyond the control of the civil officers unaided by some kind of military force.

CALDWELL COUNTY.

The civil report gives two murders in excess of the military report. The general temper of the people is considered good.

FALLS COUNTY.

The civil report gives eleven murders in excess of the military

report—three mobs, one assassination. The temper of the people is regarded as improving in favor of law and order.

FORT BEND COUNTY.

The official report gives five murders in excess of the military record; one of which the party was taken from the jail and hung by a mob of unknown men.

The clerk who makes the report, while asserting that he believes the temper of the people good, says, but from what he can learn he verily believes that if the colored man, who has been elected sheriff of the county, is accepted as the sheriff, "the consequences will be serious, as the *opposition to a black sheriff* is determined as well as openly avowed."

BRAZORIA COUNTY.

The civil report from this county gives fourteen murders in excess of the military record. The sheriff thinks the citizens will sustain him in the discharge of his duty.

HAYS COUNTY.

The civil report gives two murders in excess of the military record—two mobs. The general temper of the people is reported good, although no attempt has been made to bring to justice those who have committed the mob murders.

HILL COUNTY.

The civil reports from this county gives eight murders in excess of the military record. Five by mobs—no convictions. The report says: "There are now persons in the county at large guilty of murder who cannot be arrested. The people are generally quiet, but they make no effort to catch or punish criminals. They never have and never will volunteer to put an end to murder and violence, but have always encouraged and assisted the murderers. Gangs of lawless men go about threatening the lives of colored people, and a reign of terror exists."

LIBERTY COUNTY.

The civil report gives one murder in excess of the military record. The officer making the report says:

"I think from good reasons that a large majority of the people would oppose no obstacles nor obstruct the administration of justice or execution of the laws in any manner. I cannot say that they would, under existing circumstances, volunteer to. It is very doubtful that they would under the present circumstances. I deem it a duty that I owe to the people of this county and to the honorable Senate of Texas, to state on this occasion that a large majority of the people of this county are anxious that the country be restored to its wanted prosperity, and seem cheerfully disposed to acquiesce in the plan of reconstruction we have just entered upon, in order to arrive at that result. All classes are practically engaged in efforts to accomplish the material part of it. Some of our good citizens seem to be afraid of the proposed militia law recently passed by the Lower House of the Legislature. I think a law-abiding and orderly people have no cause to be afraid of such a law."

MONTGOMERY COUNTY.

The civil report gives four murders in excess of the military record by mobs. The officer reports the temper of the people very indifferent, and that the sheriff would be compelled to cope single handed with violators of the law; and to bring the many murderers now loose in the county to trial, the civil officers are at present powerless.

VICTORIA COUNTY.

The civil report is the only one from this county, giving six murders. Two colored men were killed by a mob and one rescued from the civil officer and hung. This lawlessness has happened since the removal of the military from that county, and the reports from that section are of a nature to doubt the ability of the civil officers to enforce the law, although a majority of the people are law abiding and anxious for peace.

WHARTON COUNTY.

The civil report gives nine murders in excess of the military record, one by mob. The condition of the county is deplorable. Gangs of men defy the civil authority.

WILLIAMSON COUNTY.

The civil report gives three murders in excess of the military

record; one by a mob, and the recent assassination of Mr. Gardiner in that county by unknown persons. The officer reporting thinks the general tone of the people in favor of law and order.

WASHINGTON COUNTY.

The civil report gives eight murders in excess of the military record. Two of the murders were committed by unknown mobs. The officer making the report thinks the majority of the people willing to execute the law.

WALKER COUNTY.

The civil report gives four murders in excess of the military record, one of which was the hanging of a colored man by an unknown mob. The officer making the report thinks the people as a whole willing and anxious to execute the law and aid the civil officers in the performance of their duties.

SHELBY COUNTY.

The civil report shows an excess of twenty-four murders over the military record. No convictions of murder in the county since the war. The majority of the people want law and order, yet a faithful and prompt discharge of duty of the sheriff would be likely to bring about resistance and an armed force necessary.

TRAVIS COUNTY.

The civil report gives five murders in excess of the military record. The general temper of the people reported good.

NACOGDOCHES COUNTY.

The civil report gives six murders in excess of the military record. The officer making the report thinks the majority of the people in favor of sustaining the law, but states that there have been no convictions for murder since the war, and many outlaws are at large.

ROBERTSON COUNTY.

The civil report gives two murders in excess of the military record, or seventeen within the past two years. The officer adds: "There are a number of men at large in this county who ought to

be brought to trial on the charge of murder and other crimes perpetrated in the county within the last two years, but owing to great difficulties which they cannot overcome the civil authorities are utterly powerless in the matter, and I would here urge that the necessity for United States troops cannot be over estimated, owing to the large number of outlaws who infest this county. I am of the opinion that the sheriff and civil officers are powerless to preserve order without the assistance of a company, or, at least, a detachment, of the United States forces. It is doubtful whether a sufficient number of citizens would spare the time from their daily avocations to volunteer to assist in the arrest of the guilty parties."

Thus the reports from civil sources give one hundred and thirty-one murders in excess of the military record, and, together with the military record, gives a total number of persons killed, so far as heard from, of nine hundred and five.

Thus closes, up to date, the reports in my possession; every mail brings some, although there seems to be a general unwillingness on the part of civil officers to make any report, or to give a true picture of the state of affairs in a large number of the counties in the State. The change to civil government, and the removal of the military forces from the interior, has had a tendency to increase crime. Several instances are reported, unofficially, of the re-appearance of that worst feature of lawlessness, to-wit: the recent appearance of disguised bands of men, prowling about the country, and also several instances of resistance to sheriffs in the execution of their duties, resulting fatally.

I have not attempted to pursue any inquiry, or to condense from the reports before me facts connected with the murders enumerated, such as convictions, of which there have been but very few during the time reviewed.

I feel that I cannot more fittingly wind up this hasty report than by giving the observations of an officer of the army, who served through some of the counties of the State; not the worst. This might be considered foreign to my instructions from the Senate, but I take it that it is not the horrible aggregate of figures you want, so much as the moral condition of the State. Under date of June 11 this officer writes thus:

"The above named counties are all over-run with bands of desperadoes, horse thieves and vagabonds, whose only means of livelihood is to murder and steal. These bands of desperadoes and thieves are, as a general thing, organized, consequently they have complete sway over the people, who are at their mercy, and they are

defiant and bold. I have made attempts frequently to organize a body of citizens, so that they could be able to cope with the bad men, but in almost every case I failed, and I can only attribute this lack of self-interest to one thing, and that is, if anybody makes themselves conspicuous in a movement of that kind they are invariably, sooner or later, killed, the sooner, and more especially if they be Union men. If a man is murdered who has in any manner aided the United States troops his death is regretted; if he be one who was a rebel, some effort is made to bring the murderer to justice; when a negro is killed nothing is thought of it, and no one troubles themselves about it. The people as a general thing do not seem to realize the enormity of crime, that feeling being almost universal, has been the main cause of turning loose hundreds upon hundreds of murderers and thieves, which is an outrage upon society and the good people of Texas. I have found in almost every county, where I am acquainted, that sympathy predominates, which trait of character is noble, to be sure, but damnable when used as it is by many to shield murderers and thieves, which is the case in Texas.

Owing to these causes and the manner in which law has been carried out, has been the main cause to bring society to the state it is now in, which is most assuredly a precarious one.

There are at large to-day numbers of murderers and thieves, in the counties where I have been, and no effort was made to bring them to justice.

The general temper of the people (that is, those people who endeavor to obey the law) seems to be good, but when it comes to assisting the sheriff and civil officers in carrying out the law, it is bad, very bad, and as for getting volunteers to put an end to murder and violence, it is simply an impossibility; and why this singular state of society should exist I have investigated and tried to understand, and whether I understand it or no, I will leave for others to judge, but I have come to this conclusion, that the only way law can be enforced, is to render some *permanent* support to the civil officers, and then they will perform their duty fearlessly. As soon as that is done, then bands of desperadoes can be brought to justice, and another all important fact will be accomplished. The people will have confidence in each other, which does not now exist.

"As soon as men feel that their lives and property is safe, that timidity that exists among the people now will be cast aside, and men who are quiet will come forth boldly.

"The sooner that state of affairs is brought about the better it will be for Texas, for then desperadoism will cease."

As reports come in, if desired, I will supplement this report.

I have the honor to be,

Very respectfully,

Your obedient servant,

JAMES P. NEWCOMB,

Secretary of State.

AUSTIN, June 16, 1870.

SUPPLEMENTAL.

Since closing my report, I have received further reports which I deem of sufficient importance to add to my complete report.

LAMAR COUNTY.

The District Clerk of Lamar county reports five murders in excess of the military record, and thinks the temper of the permanent citizens in favor of law and order, but is doubtful as to the transient population, of which there is a large class.

MADISON COUNTY.

The official report from this county gives five murders in excess of the military record, of which four were committed by mobs. The officer remarks: "Though I have conversed with the good citizens to a considerable extent, and they expressed themselves in favor of the strict execution of the law, yet I would hesitate to vouch for the execution thereof."

MATAGORDA COUNTY.

The civil report gives four murders in excess of the military record. The general temper of the people is considered good.

LIVE OAK COUNTY.

The civil report gives six murders in excess of the military record, and the officer remarks that there are others he cannot give dates or particulars of, and in relation to the state of society says, speaking of the office of sheriff: "We have not had a sheriff that has attended to his business since the close of the war, and neither do I think we can get a man that will hold the office, for the reason they are afraid

to execute the law, as arms are permitted to be carried by every man and boy that wishes to do so."

SAN AUGUSTINE.

A letter from a truthful citizen, dated San Augustine, June 6, 1870, gives an account of the action of three mobs recently in that county, by which three persons have been killed. One, a colored man, was rescued from the sheriff by a disguised band of men, and has not yet been heard from; the other cases are of a squad of citizens shooting one (a desperado), and hanging another, adding twenty-three more persons killed to the foregoing report—a total of 928 persons killed.

No further reports up to date. I append, also, an extract from a letter received by his Excellency, Governor Davis, signed by citizens of Washington county, dated June 15, 1870. "We feel that since the shooting of our sheriff, Col. Wm. Thompson, we are unsafe, without protection, and would most respectfully ask that you try to induce Gen. Reynolds to send us troops for protection, until the Legislature may devise means for protection."

Respectfully,

JAMES P. NEWCOMB,

Secretary of State.

Austin, June 17, 1870.

Senator Priest moved the same be referred to the Committee on State Affairs. Carried.

Senator Bowers offered the following resolution:

Resolved, That the Secretary of State be requested to furnish this body the correspondence in full on which his report on lawlessness and crime is based.

Adopted.

Senator Pridgen offered the following resolution:

Resolved, That the Secretary of State be requested to furnish this body with information as to the number of said cases of murder just reported, that have been perpetrated by the military or their authority.

Adopted.

Senator Alford offered the following resolution:

Resolved by the Senate and House of Representatives of the State of Texas, That Mrs. Foster, the widow of the late Senator A. K. Foster, be allowed and granted the sum of eight dollars per day, from the commencement of this session until its close, or until a successor of Senator Foster shall have been elected.

Read and referred to Committee on Judiciary.

Under direction of the President the Secretary carried to the House enrolled Senate bill No. 56, a bill to be entitled "An Act to prevent cessation of judicial functions, and avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts.

UNFINISHED BUSINESS OF YESTERDAY.

The question being the amendment offered by Senator Flanagan, pending discussion, message from the House by Chief Clerk, "An Act to incorporate the Magnolia Grove Association," informing the Senate that the Speaker had signed the same in open session, whereupon it was signed by the President of the Senate.

Discussion resumed.

Pending discussion Senator Bowers moved that the Sergeant-at-Arms be instructed to have forms printed and post the same in the galleries, notifying visitors that applauding is strictly prohibited. Carried.

Pending discussion Senator Latimer moved an adjournment till Monday.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle—11.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

So the Senate refused to adjourn.

[Senator Fountain in the chair.]

Pending further discussion Senator Bowers offered the following :

WHEREAS, many senators are anxious to attend the barbecue to-day, given in commemoration of the proclamation of universal freedom to all men, of all races; therefore,

Resolved, That this Senate do now adjourn to enable all who desire to do so to attend that barbecue.

The Chair ruled that any other than a simple motion to adjourn was out of order.

Yeas and nays called for on the motion to adjourn :

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Pyle, Shannon—11

Nays—Mr. President, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—13.

So the Senate refused to adjourn.

Pending further discussion Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows :

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Pyle, Shannon—11.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

So the Senate refused to adjourn.

Pending further discussion Senator Bowers moved to adjourn.

Yeas and nays called for; result as follows:

Yeas—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon—12.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

So the Senate refused to adjourn.

Pending further discussion Senator Flanagan moved to adjourn.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bowers, Cole, Dohoney, Douglas, Latimer, Pridgen, Shannon—8.

Nays—Mr. President, Baker, Bell, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

So the Senate refused to adjourn.

Pending discussion Senator Bowers moved the Senate stand adjourned till 4 o'clock P. M.

Yeas and nays called for. Result as follows:

Yeas—Alford, Bowers, Dohoney, Douglas, Latimer, Pettit, Priest, Shannon—8.

Nays—Mr. President, Baker, Bell, Cole, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Rawson, Ruby, Saylor—18.

So the Senate refused to adjourn.

Pending further discussion Senator Flanagan moved to adjourn till Monday.

Yeas and nays called for, result as follows:

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Shannon—11.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—15.

So the Senate refused to adjourn.

(Senator Priest called to the chair.)

Pending further discussion Senator Latimer moved to adjourn.

Ayes and nays called for, result as follows:

Yeas—Douglas, Gaines, Pettit, Pickett, Priest—5.

Nays—Baker, Bell, Bowers, Dohoney, Evans, Flanagan, Ford,

Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pyle, Rawson, Ruby, Saylor, Shannon—18.

So the Senate refused to adjourn.

Senator Flanagan asked that the names be called of members as they voted.

Chair ruled the request out of order.

Senator Flanagan appealed from the decision of the chair.

Yeas and nays called for, result as follows:

Yeas—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—13.

Nays—Alford, Bowers, Broughton, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pyle—10.

So the decision of the Chair was sustained.

Senator Bowers moved to adjourn to Monday at five A. M.

Senator Campbell rose to a point of order that the motion was out of order, that the Senate had a regular hour of meeting.

The Chair ruled the point of order well taken.

Senator Bowers appealed from the decision of the Chair.

Yeas and nays called for; result as follows:

Yeas—Baker, Bell, Broughton, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Rawson, Ruby, Saylor—13.

Nays—Alford, Bowers, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle—11.

So the decision of the Chair was sustained.

Senator Bell moved a call of the Senate.

Call sustained.

Absent—Messrs. Alford and Clark.

On motion of Senator Fountain the call of the Senate was suspended.

Senator Bowers moved an adjournment till Monday.

Yeas—Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson and Shannon—23.

Nays—Hertzberg, Mills, Ruby and Saylor—4.

Senate adjourned.